OPPT-2002-0013-0011

DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD, SUITE 2533
FT. BELVOIR, VIRGINIA 22060-6221

IN REPLY
REFER TO

DSS-E

APR 16 2001

1218

Honorable Christine Todd Whitman
Administrator, Environmental Protection Agency
ATTN: OPPT Document Control Officer (7407)
401 M Street, SW
Washington, DC 20460

Dear Administrator Whitman:

The Defense Logistics Agency (DLA), a component of the Department of Defense (DoD), respectfully submits the enclosed petition for an exemption to import polychlorinated biphenyls (PCB) and PCB items currently stored on U.S. Military installations in Japan into the United States for purposes of disposal. Granting this exemption will allow DLA to safely dispose of PCB-containing waste while giving the United States the means to take responsibility for waste generated by its military activities overseas.

The enclosed petition is submitted in accordance with 40 CFR 750, Subpart B, Interim Procedural Rules for Manufacturing Exemptions, and pursuant to Section 6(e)(3)(B) of the Toxic Substances Control Act. Appendix 1 to the petition is an inventory of items in Japan based on the 1999 Report to Congress that DoD prepared in consultation with your Agency and the Department of State. DLA is in the process of updating this inventory and will provide the new information when it is complete.

In January 2001, DLA submitted a similar petition addressing PCB items currently stored on Wake Island. In recently reviewing transport plans for PCB and PCB items, we identified the possibility of air transport and reflected this in the enclosed petition. We would also like to include the air transport option in the petition for the items stored on Wake Island. Please make the minor wording changes detailed in Enclosure 2 to make this possible.

My point of contact for this matter is Ms. Karen Moran at (703) 767-6237.

Sincerely,

Henry T. Glisson

HENRY T. GLISSON
Lieutenant General, USA
Director

Enclosures

Contain NO CBI

PETITION TO THE ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, FOR EXEMPTION UNDER THE TOXIC SUBSTANCES CONTROL ACT TO IMPORT AND DISPOSE OF PCB AND PCB ITEMS

---

(1) Petitioner: Defense Logistics Agency (DLA), a component of the U.S. Department of Defense, Environment and Safety Office, 8725 John J. Kingman Road, Fort Belvoir, VA 22060.[1] Contact: Mr. Jan Reitman, Staff Director, Environment and Safety, (703) 767-6278; Ms. Karen Moran, Environmental Quality Division, (703) 767-6237.

(2) Exemption requested: An exemption is sought under 15 U.S.C. 2605(e)(3)(B) to import and dispose of transformers, switches, used oil, circuit breakers, and debris (rags, small parts, and packaging materials) containing polychlorinated biphenyls (PCB) at U.S. EPA-permitted storage, treatment, and disposal facilities in the United States. These PCB and PCB items are currently in temporary storage on U.S. Military installations in Japan. U.S. Armed Forces in Japan generated the material when the PCB articles were taken out of service on U.S. Military installations in Japan. We believe the PCB contained in the articles were originally manufactured outside the United States.

(3) Manufacturing sites requiring exemption: None. We are seeking an exemption for import and disposal only.

(4) Length of time requested for exemption: One year.

(5) Estimated Amount of PCB and PCB items proposed for import for disposal: Appendix 1 provides an estimated inventory of the items DoD proposes to import for disposal. Approximately 330 metric tons were identified in Japan for the period through 2001 in the 1999 Report to Congress, "Foreign Manufactured PCB at U.S. Military Installations Overseas," prepared by DoD in consultation with the Department of State and EPA. The concentrations of PCB in the items vary but, as shown in Appendix 1, a large portion of the inventory consists of items with PCB concentrations of less than 50 parts per million (ppm). The items include the following: transformers (drained and undrained), large and small capacitors, voltage regulators, switches, electromagnets, circuit breakers, reclosers, electrical cable, electric light ballasts, transformer oils, used oils, contaminated soil, and debris.

Contain NO CBI

Encl 1

(6) Risk of injury to health or environment: This discussion evaluates the risks of the proposed import for disposal and balances them with the alternative of continuing to store the material indefinitely in Japan.

a. Evaluation of Risk of Import for Disposal in the United States.

1. PCB Concentrations. Appendix 1 provides a description of the concentrations and the types of PCB and PCB items under the purview of this exemption request.

2. Packaging and Transportation. When DoD ships PCB and PCB items or waste from Japan, packaging, marking, labeling, and shipping papers will conform to the applicable modal and inter-modal (sea, air, or land) national and/or international regulations. Such packaging is in accordance with the United Nations Performance Oriented Packaging (UN POP) standards. Compliance is required also with modal or inter-modal regulatory requirements outlined in the International Maritime Dangerous Goods (IMDG) Code/International Maritime Organization (IMO), International Civil Aviation Organization (ICAO) Technical Instructions, the International Air Transport Association (IATA) Dangerous Goods Code, UN Recommendations on the Transport of Dangerous Goods Code, and U.S. Title 49, Code of Federal Regulations, parts 100-199 (49 CFR 100-199). Proper handling and shipping shall include blocking, bracing, over packing, and inclusion of spill containment devices as required by applicable transportation regulations.

3. Handling, Treatment, and Disposal in Compliance with U.S. Laws and U.S. PCB Regulations. DLA has considerable experience and expertise in awarding and administering disposal contracts for PCB waste in the United States. If EPA grants this exemption, DLA will use contracts with commercial firms providing such services in accordance with all applicable Federal procurement statutes and the Federal Acquisition Regulations (FAR). While it is preliminary to identify the specific companies, only those with the required Federal and state-permitted storage, treatment, and disposal facilities for dealing with PCB and PCB items and wastes would be eligible for award of such contracts. Following its arrival in the United States, the material will be transported, handled, treated, and disposed of in conformance to the U.S. PCB regulations at 40 CFR 761. The PCB regulations set out specific treatment and disposal methods for PCB and PCB items, depending on the type of item and the concentrations of PCB in the item or fluid. The contractor will recycle the metal components once decontaminated, bury them in a chemical waste landfill or, if not decontaminated, incinerate. Used oils or liquids will be treated and disposed of by dechlorination or sent for energy recovery as fuels. Non-recyclable material will be disposed of as residual solid waste. Alternative disposal methods could be used if approved by the Administrator.

4. Past Experience in Safely Moving PCB Wastes. DLA and its contractors have extensive experience in safely returning U.S.-manufactured PCB and PCB items to the United States for disposal. Over the last four years DLA has returned over 1.3 million pounds of U.S.-manufactured PCB and PCB items from Japan to the United States using the same standards and procedures described above with no known spills or safety problems.

b. Indefinite Storage in Japan Presents Risks.

1. Lack of Permitted PCB Disposal Facilities in Japan. There are no Japanese government-permitted PCB disposal facilities in Japan and none expected in the immediate future. The February 22, 2001, edition of *Japanese Times* discussed this issue.[2] A report prepared by the United Nations Environment Programme (UNEP) agency also cites the present lack of PCB disposal facilities in Japan.[3] This report shows that the United States has a considerable number (28) of EPA-permitted PCB storage, treatment, and disposal facilities with the technical capacity to manage the types of PCBs and PCB items addressed in this exemption request in accordance with the U.S. PCB regulations found at 40 CFR 761.[4]

2. DoD Storage Locations Nearing Limits. In addition to the 330 metric tons of waste PCBs and PCB items currently stored at several U.S. Military facilities in Japan (identified in paragraph 5 above), the U.S. Armed Forces in Japan will generate an estimated additional 120 metric tons of such items in future years. Japan has no existing permitted commercial or government disposal facilities capable of disposing of these wastes, and U.S. PCBs and PCB items will not be first priority for disposal should Japan develop such capacity in the near future. As a result, these PCBs and PCB items accumulate in short-term and long-term storage areas. DLA storage areas are at several U.S. Military installations in Japan. The largest permanent storage locations are at Sagami Army Depot and Camp Kinser Marine Corps Base. Smaller and temporary storage locations are at U.S. Military installations at Yokosuka, Yokota, Camp Zama, Misawa, and Iwakuni/Sasebo. Additionally, the U.S Armed Forces are storing items at their own temporary locations. PCBs and PCB items from smaller temporary storage locations eventually have to be moved and transported over public roads to the larger storage areas for indefinite, permanent storage until disposal can be effected. Presently, many of these small storage areas are impacted and rearrangement of PCB item storage is necessary. The Sagami depot, where most of these materials are currently stored, is at or near storage capacity for such items.

3. Long-Term Storage of PCBs and PCB Items Increases Risks. Many of the foreign-manufactured PCBs and PCB items owned by DoD in Japan have been in storage for years due to the lack of disposal capacity in Japan and the import restriction in the Toxic Substances Control Act (TSCA). Movement of property presently in storage is frequently necessary to accommodate additional inventory of PCBs and PCB items taken out of service on various U.S. Military installations in Japan. The lack of in-country disposal capacity does not allow for regular reductions in DoD's foreign-manufactured PCB inventory.

Continued, indefinite storage and lack of in-country disposal capacity increase the risk of exposure to U.S. Military personnel, to people living in and around the U.S. Military installations where the PCBs are stored, and to the environment should spills occur due to human error, severe weather such as typhoons, or earthquakes. Storage containers deteriorate, increasing the likelihood of PCB exposure to personnel who must monitor such items and repack them if they suspect leakage. Frequent handling creates multiple opportunities for spills or exposures.

Long-term storage may increase DoD's liability and create clean-up costs if accidental spills occur. All of these scenarios potentially increase exposure to U.S. personnel, local citizens, and to the ground and water. This problem is magnified in Japan, because the installations where these materials are located are relatively small, storage space is at a premium, and the surrounding civilian communities are located in very close proximity to the stored PCBs. PCBs and PCB items in indefinite storage, therefore, present a greater risk to human health and the environment than PCBs stored for disposal in the mainland United States. Moreover, the perceptions of the local communities, addressed in sections 6b(4) and 7a below, further exacerbate the situation for DoD.

Continued storage in Japan is inappropriate for the reasons noted by EPA in its 1996 PCB Import for Disposal Final Rule:

> "EPA believes that PCB wastes which are not disposed of for extended periods of time or which are not disposed of in facilities providing equivalent protection from release to the environment may pose an unreasonable risk of injury to health and the environment." [5]

EPA, in its 1996 PCB Import for Disposal Final Rule, also underscored the benefit of prompt disposal in the United States:

> "Based on the persistence of PCBs in the global environment and EPA's finding that any exposure to human beings or the environment may be significant, EPA believes that the safe disposal of PCBs in approved U.S. facilities poses less risk of injury to health or the environment in the United States than the continued presence of PCBs in other countries, since proper disposal in this country provides protection against possible hazards from improper disposal elsewhere." [6]

Finally, note that the U.S. PCB regulations at 40 CFR 761.65(a)(1) mandate a maximum one-year storage requirement for PCBs once identified for disposal. The same long-term storage and risk concerns that apply to facilities in the U.S. should also apply to DoD installations overseas.

4. PCB Disposal Issues Can Strain U.S.-Japanese Relations. There are other risks for the Administrator to consider regarding DoD's current PCB inventory in Japan. Regardless of manufacturing origin, failure of the United States to permit disposal of waste it generated overseas in furtherance of its national interests not only strains relations at the national government level, but also exacerbates tensions between each facility with such materials and the local community. In 1968, a tragic human poisoning episode in Western Japan affected over 1,000 people and caused 22 deaths.[7] The "Yusho" or "rice oil disease" was attributed to the consumption of rice bran oil contaminated with PCBs and served as a catalyst for current PCB bans such as those imposed by TSCA.[8] As a result of this highly publicized incident, Japanese citizens exhibit particular sensitivity to PCB issues. Denial of this petition could adversely affect delicate U.S.-Japan relations over the presence and operation of the U.S. Armed Forces in Japan. The presence of PCBs on U.S. Military bases in Japan has, in fact, attracted significant adverse attention from Japanese politicians,

the Japanese press, Japanese environmental groups and local citizens.[9] Regular surveillance of DoD storage operations in Sagamihara and demands for inspections and sampling have occurred since a member of the U.S. Congress released a report outlining the storage and presence of PCBs and other hazardous materials on U.S. bases in Japan.[10] The perceived failure by the U.S. Military to resolve the current PCB disposal dilemma posed by the TSCA importation ban invites unwarranted claims that the U.S. Military is neglecting its environmental responsibilities.

5. Summary of Risks of Indefinite Storage. Due to the risks cited above, indefinite storage may lead to degradation of storage containers and subsequent releases of PCBs into the environment. These risks will only increase if the situation is allowed to continue. PCBs released into the environment through natural disasters, accidents, or other events can present significant exposure risks. This material is currently stored on crowded DoD facilities in close proximity to DoD living quarters and the local community. Because there are no permitted PCB disposal facilities in Japan, and because of the unique environmental conditions in Japan cited above, the potential for PCB releases due to aging containers or accidental spills is higher there than at disposal facilities in the United States. DoD Military and civilian personnel and DoD contractors are at greatest risk.

c. Balancing Risks and Interests. The benefit of prompt disposal of this material in the United States outweighs any risk associated with returning the material to the U.S. for disposal. Granting this petition presents no unreasonable risks and will serve to mitigate or lessen the risk of injury to public health and the environment of Japan. Petition approval will demonstrate environmentally responsible behavior by the United States and further the United States' interests by maintaining good relations with a valued ally as it will significantly reduce the risk of injury to the health of persons of both nations and to the environment in Japan. Granting this petition will eliminate the risks cited above by removing these PCBs from U.S. Military facilities in a country that cannot provide suitable disposal in a manner limiting releases to the environment to the levels permitted by U.S. regulations. Accordingly, this application meets the statutory standard that "no unreasonable risk" may result from the grant of an exemption under TSCA Section 6(e).

(7) Substitute for disposal in the United States: In light of the circumstances surrounding importation of this material, the TSCA 6(e)(3)(B) requirement for a finding of good faith efforts to develop chemical substitutes for PCBs should be construed as requiring a showing that a good faith effort was made to find alternatives to disposal in the United States.[11] DLA submits that despite its good faith efforts to find alternatives to disposal of this material in the United States, there is no reasonable alternative to domestic disposal.

a. Alternative Treatment and Disposal on U.S. Installations in Japan. There are currently no Japanese government permitted operators or companies, or adequate facilities to provide treatment or processing of these items on-site at DoD Military installations in Japan. A report by UNEP, published in August 2000, lists three companies in Japan offering alternate technology for processing and treatment of PCBs. As far as DLA can determine at this time, these technologies are demonstration technologies that lack permits

for operation in Japan.[12] Additional risks and negative public perception by the local Japanese communities may be involved in the creation of such a facility, including objections to equipment transportation and construction activities. In light of the concerns cited above, engaging in on-site processing activities using a temporary facility in Japan would present significantly greater public relations problems and potentially greater environmental and health risks than shipping the materials to a U.S. domestic site where the infrastructure and facilities already exist to process them properly. Finally, DoD policy currently prohibits the treatment of this material on a U.S. installation. In addition, even if DoD policy changed, any PCB treatment on Japanese territory on a U.S. installation would require permission from appropriate Japanese government officials.

b. Feasibility of third country disposal. A recent report to the U.S. Congress explored in detail the ongoing concern over the lack of suitable disposal alternatives for disposal of PCBs generated by U.S. Defense activities overseas.[13] There are no permitted PCB disposal facilities in Japan and DLA's efforts to dispose of similar, lower concentration PCBs and PCB materials during Spring 2000 in Canada were unsuccessful.[14] In 1998 DLA awarded a contract for the proper disposal of PCBs from Japan to an acceptable facility outside the United States. However, because the PCBs fall under the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal (Basel), a DLA contractor was required to comply with the notice and consent regime imposed by Basel. Unfortunately, the DLA contractor was not able to persuade Japanese officials to prepare the necessary Basel notifications. DLA and its primary disposal contractor made extensive contacts over a period of several years with Japanese officials and disposal facilities in numerous locations outside the United States in an effort to identify firms who could dispose of such waste while satisfying Basel requirements. DoD also consulted at length with State Department officials in Japan and the United States whose responsibilities included international environmental matters. Although Japanese officials seemed willing to allow DoD to remove the PCBs pursuant to the United States-Japan Status of Forces Agreement (SOFA), the DLA contractor was unable to identify acceptable third countries that could receive the PCBs without Basel notification from Japan.[15] The apparent preference by Japanese officials for shipment to the United States under the SOFA could not be accommodated due to the U.S. TSCA import ban. The variety of problems identified in various contacts regarding overseas disposal of PCBs resulted in a consensus that use of existing facilities in other developed nations was not a reasonable alternative. DLA's diligent but unsuccessful attempts to locate appropriate disposal sites outside the United States demonstrate its good faith efforts to pursue alternatives to disposal within the United States and fulfill the requirements of TSCA 6(e)(3)(B).

(8) Economic consequence of petition denial: The broad economic consequences of denying this petition are not readily susceptible to objective quantification. For example, there is no reliable way to assess the potential economic consequences to the United States stemming from potential international criticism relating to a decision by the United States not to import Military PCB waste for domestic disposal. During DLA's efforts to find alternative disposal sites for PCB material outside the United States, foreign government representatives also objected frequently on these grounds. Similarly, it is difficult to

estimate the economic consequences of continued storage of the material in Japan and the attendant exposure risks to United States personnel and the local environment that increase with time. These indirect consequences, while difficult to quantify, are of potentially greater magnitude than the direct costs of petition denial.

(9) Conclusion: The U.S. Armed Forces are an indispensable and highly visible instrument of U.S. foreign policy. Through its Military presence overseas, the United States exerts influence on the global community. This influence is manifested in our approach to security arrangements, alliances, and international agreements ranging from non-proliferation of weapons of mass destruction to trade and the environment. However, this presence overseas unavoidably results in the generation of wastes, some of it hazardous and some of it related to PCBs manufactured before their hazards were recognized.

The exemption requested meets the statutory requirements for relief under section 6(e)(3) of TSCA. The treatment and disposal facilities are compliant with U.S. law and the proposed import would not result in an "unreasonable risk of injury" to human health or the environment. Granting this petition to permit U.S. disposal of these U.S. generated, foreign-manufactured PCBs and PCB items would eliminate the risks inherent in continued storage of this material in Japan in a manner that avoids exposing the United States to international criticism for not accepting its own PCB waste. Additionally, DLA has made every reasonable effort to locate appropriate disposal sites outside the United States as a substitute to making this request.

For all the foregoing reasons, DLA respectfully requests that the Administrator grant the proposed exemption.

Henry T. Glisson

HENRY T. GLISSON
Lieutenant General, USA
Director

[1] The Defense Logistics Agency is the DoD Component that provides supplies and services to America's Military Forces at more than 500 sites in all 50 states and more than 25 foreign countries. DLA manages more than 4 million consumable items and processes more than 30 million distribution actions annually. When the Military no longer needs an item, DLA arranges for its reutilization or ultimate disposition through the Defense Reutilization and Marketing Service (DRMS), a DLA primary level field activity.

[2] "Cabinet Set to Approve Two Bills on PCB Disposal," available at http://www.japantimes.co.jp/contact.htm. The article explains that once the Parliament approves construction of facilities under this bill, it would be another 5 to 10 years before facilities are able to operate and take care of the backlog of items for disposal.

[3] "Inventory of Worldwide PCB Destruction Capacity," December 1998, Section 8.4, Asia-Pacific.

[4] Section 8.7, North America, Table 14. This report may be accessed at http://www.chem.unep.ch/pops/pdf/surveypcb/PCBdesteng.pdf.

[5] 61 Fed. Reg. 11099.

[6] *Id.*

[7] See Michel Mercier & Morrell Draper, *Chemical Safety: The International Outlook,* World Health Organization, (1994); Leonard T. Flynn, Ph.D., M.B.A. & Cindy F. Kleiman, M.P.H., *Public Health Concerns About Polychlorinated Biphenyls (PCBs)*, Ecotoxicology and Environmental Safety 38, 71-84 (1997).

[8] *Id.*

[9] See, *Defense Agency will Inspect PCB Storage*, The Yomiuri Shimbun (Tokyo), Aug. 20, 2000, page 2; *Pollution at Okinawa Bases Cannot be left Uncorrected*, Asahi Shimbun, Jan. 14, 1999; David Armstrong, *U.S. Presence on Foreign Soil is Tainted*, Boston Globe, Nov. 15, 1999; Danielle Knight, *Environment: Asian Women Demand Cleanup of U.S. Military Bases*, Inter Press Service, Oct. 16, 1998; *Japan: Probe Fails to Confirm Source of Pollutant at Kadena Air Base*, Kyodo News Service, Sept. 28, 1998; *High Level of PCB Detected in Okinawa*, Jiji Press Ticker Service, Feb. 21, 1997; *Toxic PCB Detected at Ex-U.S. Facility*, Jiji Press Ticker Service, Oct. 2, 1996.

[10] See, *MOFA, Environment Agency to Investigate Base PCB Dumping*, Ryukyu Shimpo, Aug. 19, 1998; *Editorial: Probe Pollution at U.S. Bases,* Ryukyu Shimp, Aug. 18, 1998; *U.S. Base Pollution,* Ryukyu Shimpo, Aug. 28, 1998; *U.S. Rejects Request for PCB Test at Kadena*, Japan Economic Newswire, Nov. 25, 1998; *Agency Concerned about U.S. Base Pollution,* Jiji Press Ticker Service, Feb. 21, 1992; *Japan to Check U.S. Base Employees for Waste Contamination,* Asahi News Service, Feb. 18, 1992. DLA has also received several requests for information under the Freedom of Information Act from members of the Sagamihara City Council seeking copies of delivery orders and other documentation of hazardous materials containing PCBs at the Sagami Depot.

[11] As a preliminary matter, please note that many of the items in this shipment, which originated from a DLA storage facility in Sagami, Japan, were acquired by the Military Services prior to the 1979 ban on manufacture or import of PCBs. Thus the Military Services could not be expected to have expended "good faith" efforts to acquire PCB substitutes at the time the articles were originally obtained. Instead, DLA's recent efforts have focused on obtaining suitable disposal for these items.

[12] United Nations Environment Programme (UNEP), August 2000, "Survey of Currently Available Non-Incineration PCB Destruction Technologies," Annex 2.

[13] The National Defense Authorization Act for Fiscal Year 1999, section 324, directed the Secretary of Defense to submit a report to the Congress regarding foreign-manufactured PCB waste under DoD control overseas. The report was prepared and submitted in 1999. EPA concurred in its release, noting that it looked forward to working with DoD to ensure handling of all PCB wastes in an environmentally sound manner. The report stated in pertinent part:

> "Shrinking access to adequate disposal facilities overseas is an impediment to the environmentally sound disposal of foreign-manufactured PCB wastes. Most of the facilities that can dispose of PCBs in accordance with DLA standards are located in Europe or North America. Over the past several years, the European Union (EU) member States have been revising their waste policies to restrict transboundary movements of hazardous waste. Currently, EU law prohibits imports into the EU of waste for disposal, except for parties to the Basel Convention. However, Basel parties wishing to export waste into the EU for final disposal must obtain prior approval from the importing country and must affirmatively show that they do not have and cannot acquire facilities to dispose of the waste in an environmentally sound manner domestically. It is not easy to obtain the cooperation of both the importing and exporting countries and the approval process is very

time consuming." (*Report to Congress, Foreign Manufactured PCBs at U.S. Military Installations Overseas*, p. 15, March 1999).

[14] DLA's efforts to transport the waste currently on Wake Island to other countries for disposal have been unsuccessful. DLA hired a contractor, Trans-Cycle Industries, Inc. (TCI), to dispose of that shipment of low PCB-concentration, foreign-made PCBs and PCB items stored in Sagami, Japan. TCI contractually arranged to ship the low-level PCB waste material to a disposal facility in Canada using a commercial shipper, as Canada does not regulate PCBs less than 50 ppm. The shipment left Yokohama, Japan, on March 23, 2000. Once special interest groups in Canada learned of the shipment, they lobbied Canadian officials to prohibit its planned disposal in Canada. Officials at the Canadian Embassy in Washington, DC, contacted DoD, EPA, and the State Department and expressed their desire that the shipment not come to Canada. In addition, Canadian Ministry of Environment officials contacted the U.S. Embassy in Ottawa asking for assistance. The Ministry of Environment also advised the contractor that no facilities in Canada would be able to accept the shipment.

Recognizing that the shipment was very controversial in Canada, with the potential to adversely affect international relations, DoD, the State Department and EPA decided it would be prudent to consider other options. On April 5, 2000, EPA granted conditional approval to TCI to offload the shipment in Seattle, WA, for thirty days while the contractor explored other disposal options. However, because of opposition from environmental groups, the Governor of Washington, and Congressional representatives, the PCBs were not offloaded in Seattle as planned. The ship continued on its voyage to Canada to offload other commercial cargo, and departed Vancouver on April 9, 2000, with the low-level PCB cargo still on board.

The ship arrived in Yokohama, Japan, on April 18, 2000, but the Japanese government opposed the return of the material. To avoid harm to diplomatic relations between the United States and Japan, while allowing time to explore other options, the U.S. Ambassador assured the Japanese government that the containers would leave Japan no later than 30 days from April 18, 2000. After lengthy discussions with the State Department, EPA, the Department of the Interior, and Congressional delegations from Hawaii and Guam, DoD decided to send the containers to Wake Island, a U.S. unincorporated territory in the Pacific Ocean outside the U.S. customs territory, for temporary storage. The shipment arrived there on May 19, 2000, and the containers were safely offloaded and moved to temporary storage.

[15] Canada was the only country with acceptable disposal facilities that did not require Basel notification for PCBs at concentrations of less than 50 ppm. The contractor's inability to obtain Basel notification from Japan, combined with the TSCA import ban and the unwillingness of third countries to rely on the United States-Japan SOFA as a substitute for Basel notification, prompted the contractor to attempt disposal of low-level PCBs in Canada.

APPENDIX 1 -- ESTIMATED INVENTORY OF PCB ITEMS IN JAPAN
(pounds to be disposed by year)

	CY 1999	*CY 2000*	*CY 2001*	*CY 2002*	*CY 2003*	*Beyond CY 2003*	*Total*
Items (other than transformers & capacitors) over 499 ppm PCBs	14,238	100	0	0	0	0	14,338
Items (other than transformers & capacitors) 50-499 ppm PCBs	4,814	0	0	0	0	0	4,814
Items (other than transformers & capacitors) under 50 ppm PCBs	10,241	0	0	0	0	0	10,241
PCB-Contaminated Electrical Equipment 50-499 ppm PCBs	15,063	0	0	0	0	0	15,063
Transformers over 499 ppm PCBs (drained)	10,793	0	0	0	0	0	10,793
Transformers 50-499 ppm PCBs (drained)	25,012	895	897	0	0	0	26,804
Transformers under 50 ppm PCBs (drained)	311,920	32,112	69,181	25,295	147,502	25,476	611,487
Large Capacitors over 499 ppm PCBs	267	0	0	0	0	0	267
Small Capacitors under 50 ppm PCBs	6,177	408	408	1,496	68	0	8,557
Debris (example: rags, cans, drums, wood) any PCB concentration	48,325	2,100	2,550	1,900	400	1,050	56,325
Soil, any PCB concentration	11,273	0	0	0	0	0	11,273
Liquid over 499 ppm PCBs	0	0	0	0	0	0	0
Liquid 50-499 ppm PCBs	10,568	216	192	0	436	0	11,412
Liquid under 50 ppm PCBs	117,591	10,242	24,035	10,390	30,070	21,416	213,743
totals	**586,282**	**46,073**	**97,263**	**39,081**	**178,476**	**47,942**	**995,117**

SOURCE: Report to Congress, "Foreign-Manufactured PCBs at U.S. Military Installations Overseas," March 1999.

Apr 1 to Oct 1

PETITION TO THE
ADMINISTRATOR, UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY,
FOR EXEMPTION UNDER THE
TOXIC SUBSTANCES CONTROL ACT
TO IMPORT AND DISPOSE OF PCBS AND PCB ITEMS

This enclosure details changes desired to the petition for exemption to import and dispose of PCBs and PCB items owned by the U.S. Department of Defense and currently stored on Wake Island as follows:

Paragraph 6a: Change the second sentence to read: "DLA will import the items on a U.S. flag vessel or U.S. Military aircraft in accordance with applicable law." (The words "or U.S. Military aircraft" were added.)

Paragraph 6c(2): Change the first sentence to read: "DLA will import the material on a U.S. flag vessel or U.S. Military aircraft in compliance with applicable law." (The words "or U.S. Military aircraft" were added.)